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S. Robert Miller  
Director

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

March 16, 1995

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Mr. William F. Canton  
Acting Secretary  
Federal Communications Commission  
1919 M. Street, N.W., Room 222  
Washington, D.C. 20554

Re: Public Reply Comments on Proposed Rule Making  
CC Docket No.: 94-102

Dear Mr. Canton:

Enclosed please find an original and nine copies of Public Reply Comments on Proposed Rule Making filed on behalf of the State of New Jersey in connection with the above-referenced matter.

Very truly yours,

S. Robert Miller  
Director, OETS

**Enclosures**

- c. Alexander P. Waugh, Jr., Executive Assistant Attorney General  
George N. Rover, Deputy Attorney General

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MAR 16 1995

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of

Revision of the Commission's Rules  
to Ensure Compatibility with  
Enhanced 911 Emergency Calling Systems

)  
) CC Docket No. 94-102  
)  
)  
)

To: The Federal Communications Commission

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REPLY COMMENTS

Submitted by

Office of Emergency Telecommunications Services  
Division of State Police  
Department of Law and Public Safety  
State of New Jersey

Upon reviewing the comments from the wireless industry, it should be clear to everyone that the FCC must move forward with the proposed rules in these proceeding and establish a committee under direct control of the Commission to determine the best ways to implement the rules proposed by the NPRM, not as a substitute for the rules.. Several industry representatives such as American Personal Communications ("APC") stated that they believed strongly that a mandatory milestone approach, as proposed in the NPRM, is an inappropriate method to set industry compliance in such a complicated, technical and systems-encompassing integration effort (See, COMMENTS OF AMERICAN PERSONAL COMMUNICATIONS, page 2). We can appreciate these comments, but if this approach is not mandated, when will the nation ever see enhanced 9-1-1 for wireless services. As noted in the FCC Notice, industry and public safety officials alone have been unable to

resolve these issues (See, FCC Notice, para. 35, fn. 41.).

APC as well as others commented that they could not concur with the Commission's three stage implementation/deployment schedule (See,, COMMENTS OF AMERICAN PERSONAL COMMUNICATIONS, page 5.). However, many of them did not articulate why they had a problem with the individual stages. Stage One, as an example, is currently in use in New Jersey as well as other areas. It is difficult to argue with the success we have seen in New Jersey. Pacific Telesis (See, Pacific Telesis Comments, page 4 & 5, sec. D.) and others such as CMT Partners ("CMT") commented that technology is available to support the Commission's Stage One requirement (See COMMENTS OF CMT PARTNERS, page 6.).

ALLTEL Mobile Communications, Inc. ("ALLTEL Mobile") stated that it appeared the FCC was accepting on face value the estimate from NENA that 10% of 9-1-1 calls in many urban areas are from cellular subscribers (See, COMMENTS OF ALLTEL MOBILE COMMUNICATIONS, INC., page 2.). New Jersey's experience supports NENA's estimate and others have reported similar experiences.

ALLTEL also stated that much of the technology required to provide the essential E911 capabilities envisioned by the Commission does not currently exist in wireless systems (See, COMMENTS OF ALLTEL MOBILE COMMUNICATIONS, INC., page 3.). New Jersey disagrees with this comment. New Jersey feels it is only unavailable in the eyes of the cellular providers which have not yet made it a priority. New Jersey demonstrated a GPS wireless enhanced 9-1-1 system last fall (See, NPRM COMMENTS FROM THE STATE OF NEW JERSEY, page 14, para. 30.) and will BETA test a Time-Difference-of-

Arrival ("TDOA") wireless enhanced 9-1-1 system this fall (See, COMMENTS OF THE ASSOCIATED GROUP, INC, page 13, sec. C.). Other promising systems are waiting evaluations by the cellular industry. As stated by Driscoll & Associates, the principal limitations to immediate implementation of wireless 9-1-1 caller location systems are funding for the systems and the need to integrate these systems into wireless phones, network infrastructure and PSAPs (See, C.J. Driscoll & Associates comments, page 2, para. 2.).

AT&T Corp. ("AT&T") stated that they participated actively in a Joint Expert Meeting (JEM) involving representatives of the wireless industry, manufacturers, and public safety organization, which culminated in the release of two JEM Reports regarding wireless/E9-1-1 issues. They claim that these reports represent a consensus of all affected interests (See, COMMENTS OF AT&T CORP., page iii & iv, sec. 2.). . . . New Jersey disagrees. These meetings are called by the industry and scheduled on short notice which precludes the attendance of most public safety agencies. Additionally, public safety representatives are politely treated as guests rather than as equal partners.

Contrary to the claims put forth by AT&T, there is no consensus on wireless 9-1-1 issues except that the public should be entitled to the same enhanced 9-1-1 features with wireless as is available on wireline systems. The key issue as to when these services would be made available has not reached agreement. New Jersey agrees with AT&T that the Commission should direct the industry to provide calling number identification as soon as possible (See, COMMENTS OF AT&T CORP, page iv.). The feature is available today on some systems and will be demonstrated in New Jersey in the fall beta test as mentioned above.

New Jersey does not agree with the suggested definition of a Public Safety Answering Point put forth by AT&T. AT&T stated that a PSAP was "an agency responsible for answering 9-1-1 calls originating from a particular geographic area and dispatching emergency response personnel" (See, COMMENTS OF AT&T CORP., page 5.). A PSAP does not always dispatch emergency services. Several (neutral) PSAPs transfer all calls to the appropriate dispatch agencies and do little or no dispatching at all. Furthermore, these proceedings are not the appropriate forum to develop 9-1-1 definitions.

New Jersey disagrees with AT&T's statements that location technology in the mobile context is at best immature and unproven and that any requirement to pass ALI must consider the feasibility of tracking mobile sources (See, COMMENTS OF AT&T CORP, page 19.). Various location technology has been field tested and PSAPs need to know where the caller was when the emergency was reported, it may not be necessary to know where the caller is ten minutes later.

AT&T also stated that the FCC's Stage One proposal should not be adopted because base station identification provides grossly overbroad and inaccurate information (See, COMMENTS OF AT&T CORP, page 30.). While it is true that the accuracy of cell site (sector) is questionable, it does give you enough information to route the call to a PSAP in the general area of the cell site. Additionally, AT&T stated that the provision of base station identification precludes transmission of the Mobile Identification Number ("MIN") (See, COMMENTS OF AT&T CORP, page 31.). This is not true in all 9-1-1 networks. As stated early in this document, New Jersey will demonstrate (beta test) a system in the fall utilizing Feature group "D" which will allow two ANIs. The first ANI will be used as

a pseudo cell-site sector identification, and the second ANI as the caller's MIN.

In AT&T's conclusion, they suggested that the Commission should forego adopting mandatory compatibility criteria and deadlines, and instead should encourage continuation of industry processes that have made substantial progress toward identifying key requirements and expediting development of performance standards (See, COMMENTS OF AT&T CORP, page 43.). We disagree, we see no indication whatsoever of the "wireless" industry expediting development of performance standards.

One of the best comments reviewed by New Jersey were the comments made by Cable Plus. Cable Plus stated that in order to protect the viability of having a single, nationwide number with immediate access to public safety response services, the Commission's proposal should go farther (See, Comments of Cable Plus, page 1). Additionally they state that in 35 years, the methodology used for 9-1-1 has hardly changed and that with modern, open systems technologies, there are many ways to accomplish the task of moving information between a switch and the PSAP (See, Comments of Cable Plus, page 2.). Cable Plus hit the bulls eye with these comments.

We support Cable Plus's conclusion that it is time to turn 9-1-1 on its ear and look at ways the PSAP can be served with accurate information from all parties involved in providing telephone service, whether it be at the local loop, connected via a private switch, carried over cellular systems, or with lines managed by a building owner (See, Comments of Cable Plus, page 4.).

New Jersey reiterates its position that the FCC should appoint a committee under the direct control of the Commission to settle these issues in a timely fashion, but the rules

proposed by the NPRM should be implemented without delay. As others have stated, Bell South urges the Commission to forego the adoption of mandatory 9-1-1 and E9-1-1 requirements for PBX and wireless systems until an industry consensus can be reached regarding how best to provide access to these services. If this is accepted by the Commission, the Personal Communications Industry Association's ("PCIA") implementation time frame of eight years for wireless enhanced 9-1-1 is the best we can dream for.

The Cellular Telecommunications Industry Association ("CTIA") and several other responders suggested that the FCC should establish an Industry E9-1-1 Advisory Committee to devise a consensual solution that will provide a uniform E9-1-1 platform (See, COMMENTS OF THE CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION, page 1.). New Jersey supports this position as long as this committee is under the direction of the Commission and has equal representation from Public Safety. This committee should be formed to determine the best ways to implement the rules proposed by the NPRM, not as a substitute for the rules.

CTIA correctly points out that both basic and enhanced 9-1-1 systems were designed to provide access to emergency services for wireline subscribers. We also agree with their comments that emergency systems do not address the unique characteristics of wireless communication, and the special issues raised by its interface with 9-1-1 services (See, COMMENTS OF THE CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION, page 3.). But which came first. . . 9-1-1 or cellular telephones? We have this problem today because the cellular industry elected to market cellular telephones without due consideration for the nation's goal of 9-1-1.

Additionally, CTIA correctly stated that the wireless experience with 911 thus far exhibits the nature of the problem. This being the case, the FCC's NPRM is right on target. If anything, as Cable Plus has stated, the FCC has not going far enough. New Jersey does not want the problems of cellular to spread to PCS and Satellite telephones. These problems must be resolved as soon as possible.

Motorola, Inc. ("Motorola") commented that Mobile Satellite Service ("MSS") systems are already well on the way toward designing and implementing an infrastructure which includes emergency communications capabilities. According to Motorola's comments on IRIDIUM, subscribers within the United States will be able to make a "9-1-1" call, although the entire range of enhanced 9-1-1 features may not be available. Motorola commented that changes to the call processing and routine capabilities of the IRIDIUM system would involve significant system redesign which, at this juncture, would be extremely difficult to implement from both a technical and business standpoint (See, Motorola's Comments, page 9.). Again we ask the question, which came first. . . . satellite telephone service or 9-1-1? This should have been designed from the onset to handle enhanced 9-1-1 service since the implementation of 9-1-1 is the national policy of this country. These comments again point out that it is not an industry priority to produce this equipment with enhanced 9-1-1 capability.

The comments made by PCIA were the most difficult to accept. PCIA would prefer that the FCC and Public Safety go away and let them work out these problems within their priorities. We strongly disagree, sure this is clearly not in the best interest of the public. We do not share their view that the Wireless JEM Report confirms the good faith efforts of the



wireless industry to work toward compatibility and highlights the imprudence of setting arbitrary and unachievable performance deadlines. Nor do we agree that the Joint PCIA/APCO/NASNA white paper offered by PCIA is proof of the industry's ability to solve the 9-1-1 issues with Public Safety. An agreement to do something without clear and definable goals marked by a date, is not an agreement at all. Of all the comments made in this proceeding, the most difficult for public safety to absorb was PCIA's timetable of 4Q/2002 for wide scale deployment of Stage 3. It is more difficult to accept when you take into consideration that they coupled there comments with a statement that these are considered goal, rather than firm deadlines (See, COMMENTS OF THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION, page 20, sec. E.).

In conclusion, the comments on this NPRM support New Jersey's position that the wireless industry continues to deny enhanced 9-1-1 features a high priority and it is obvious that they are sitting back and waiting to see if the FCC will force them to act in a timely matter. Nothing in the review of the comments has convinced New Jersey that we should change our position on wireless and PBX systems enumerated in our comments. We concur with the C. J. Driscoll & Associates closing comments on the NPRM, which stated that, in general, it is clear that the speed with which wireless 9-1-1 caller location systems are implemented will be determined, in large measure, by the Commission's actions. If the Commission allows five years or more for implementation, it will take that long (See, C. J. Driscoll & Associates Comments, page 2.).

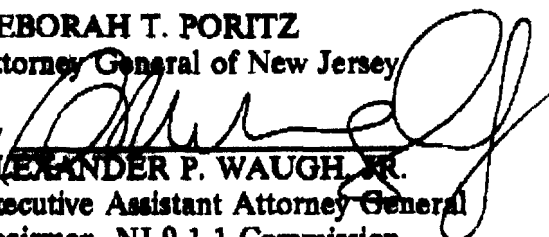
New Jersey confirms our commitment to support the rules proposed by the Commission in this proceeding. As noted in the FCC Notice, Industry and public safety

officials alone have been unable to resolve these issues (See, FCC Notice, para. 35, fn. 41.). If actions are not taken to provide enhanced 9-1-1 features from PBXs and wireless devices, the huge investment made by New Jersey and other jurisdictions in designing and implementing an enhanced 9-1-1 network will be largely wasted.

In the Tuesday, March 14, 1995 edition of the Philadelphia Inquirer titled, "FCC auctions \$7 billion in phone licenses" (See, Section C, page C1), FCC Chairman Reed Hundt was quoted as predicting that the new mobile-phone providers will eventually be able to provide local calls as inexpensively as local phone companies. In that same article, one of the successful bidders predicted it could begin to offer the service to consumers in about 18 months. If these predictions become true, we have no time to spare. The public safety, health and welfare of the nation require that these issues be addressed immediately.

Respectfully submitted

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Attorney General of New Jersey

By   
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March 16, 1995

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# Business

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Tuesday, March 14, 1995

## FCC auctions \$7 billion in phone licenses

AT&T and a consortium of Sprint and 2 cable firms won the bids for mobile service in the Phila. market.

By Jeannine Aversa  
ASSOCIATED PRESS

WASHINGTON — The federal government's biggest auction of the airwaves ended yesterday after 19 companies promised to pay \$7.03 billion — or \$98 for every household in America — for the right to build and sell the next generation of mobile phone service.

Concluding three months of spirited bidding, the companies bought 10-

year licenses in 51 U.S. markets to provide a new phone service that promises to be higher quality, less costly and more flexible than most current cellular services.

One of the successful bidders predicted it could begin to offer the service to consumers in about 18 months.

Licenses for the Philadelphia market, encompassing 37 counties from South Jersey through Delaware and central Pennsylvania, were won by

AT&T, and a consortium of Sprint and two cable-television companies. AT&T bid \$81 million, and the consortium with Tele Communications Inc. and Cox Cable Communications offered to pay \$85 million.

In its bids elsewhere around the United States, the Sprint group included Comcast Corp., of Philadelphia. Comcast could not bid for Philadelphia because it holds one of the two cellular-phone licenses here.

The Sprint-cable consortium, including Comcast, emerged as the auction's biggest spender, pledging \$2.1 billion for 29 of the 99 licenses sold by the Federal Communications

Commission. The group snagged the country's most populated market, New York, as well as licenses in San Francisco and Dallas.

"This is the largest sale of public property in history," FCC chairman Reed Hundt said.

Hundt predicted that the new mobile-phone providers will eventually be able to provide local calls as inexpensively as local phone companies.

About 20 million people use cellular phones, and their bills average \$58.65 a month, according to the Cellular Telecommunications Industry Association. The new mobile-phone services — known as personal communication

services, or PCS — could cost as little as \$25 to \$30 per month, said Ma Golden, vice president of the Personal Communications Industry Association.

Notable absences among the winners included long-distance phone company MCI Communications, which decided to sit out the auction and has yet to announce a wireless strategy, and billionaire entrepreneur Craig McCaw, the founder of McCaw Cellular, who dropped out of the bidding recently after saying that prices had gotten too high.

Inquirer staff writer Michael L. Rozansky contributed to this report.

### COMPUTER SERVICES



## Scott Paper announces move to Fla.